



Ministerio de Defensa

## **THE ROLE OF THE MILITARY AND THE ARGENTINE ARMED FORCES**

### **ITS IMPORTANCE IN THE CURRENT ENVIRONMENT**

The wish of most all nations is to live in peace, preserving their security and vital interests. It is for this reason that the Armed Forces have been, along their historical evolution, closely related to the social and political organization of Nations as another expression of their culture.

The Military has been the foundation on which different societies' Defense systems have been constructed. As an institution not easy to improvise, the Armed Forces are the form under which peoples assume their defense and therefore, their fate is unquestionably linked to the efficacy of their armed forces along history. They have always been devoted to preserve both the physical space of a nation, its territory, and the very existence of each state.

But societies live in permanent change and require from their Armed Forces a dynamic adaptation to such transformations.

In the case of Argentina, the Armed Forces accompanied the evolution of social reality and new world and region strategic demands by updating the defense planning and reorganizing the Services.

Since the return to the constitutional system, Argentina, as a whole,



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has undergone a transformation process which in general lines, is intended to attain:

- The consolidation of democracy
- The modernization of the Government
- The economy's streamlining
- The country's adequate involvement in world affairs
- Progress towards regional integration
- Sustainable development

Structural transformations in the fields of National Security and Defense have involved the enacting of functional statutes (National Defense, Domestic Security and Military Reorganization Acts) as well as the adoption of actions intended to modernize the military system and to make it fit for new strategic conditions (volunteer soldier system, increasing involvement in peace-keeping operations).

It is only fair to say that today the international scenario is governed by a predominant interest in economic matters and governments' concern is focused on the welfare of society as a first priority. This has led to the allocation of smaller financial resources to the defense areas.

Consequently, many countries in the world, whether industrialized or developing nations, are reorganizing, and in many cases, downsizing their Armed Forces without modifying their basic mission of defending their



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territories and interests. For this reason, although new realities demand certain capacities from the Armed Forces that allow them to meet other roles, their prime role is not superseded when new demands are imposed on them.

The Armed Forces of Argentina, seen within the context of the whole Society, are the instrument used by the National Government to execute its policies tending to fulfill the interest of the country on a continuous basis. Their role cannot be separated from the National Executive Branch's authority applied to the achievement of said interests and derives from the National Constitution.

### **THE MILITARY MISSION**

The fundamental legal bases of the national defense system are as follows:

- National Constitution
- Civil Defense Act (Law 22,418, 03/05/81)
- Ministries Act (Law 22,450, 12/18/81) as amended
- National Defense Act (Law 23,554, 04/26/88)
- Domestic Security Act (Law 24,059, 01/06/92)
- Military Reorganization Act (Law 24,948, 04/03/98)



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- Executive Decree No. 392/90 – Domestic Security
- Decree No. 1,739/92 on the creation of the Chiefs of Staff Military Committee (COMIJEM – 09/21/81)

Within this framework, the Argentine Armed Forces have certain missions assigned, which are discussed below:

### Armed Forces Main Mission

The main mission of the Military lies in contributing –together with other power factors— to the National Defense, by acting as deterrent or effectively using the means to permanently protect and guarantee the Nation's vital interests from external aggressions.

### Other missions of the Military

#### **1) Involvement in peace-keeping operations and/or multinational coalitions under the mandate of International organizations**

Armed Forces involvement in peace-keeping operations, mainly under the mandate of the United Nations, has turned into one of the habitual missions of the Military and translates Argentina's strong commitment to international peace and security.

Depending on the mission to be accomplished, personnel



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from both the Armed Forces and the Security Forces have effectively performed in different opportunities. Twenty men were sent on different international peace-keeping operations in 1988, and such figure has been multiplied several times over successive years, to reach the 14,982 Argentine men sent on international missions between 1990 and 1998. At present, 794 fellow citizens are deployed in this type of operations.

Argentina sent a Battalion to Croatia and a Company to East Slovenia, provided air and naval means during the Gulf War. A Battalion and a group of helicopters are still in Cyprus, an Engineer Company in Kuwait and Military Observers and Civil Police are acting as peace-keeping forces in different parts of the world where conflicts exist.

### **2) Missions to support Domestic Security**

As the Executive Branch of the National Government might require, the Armed Forces may undertake operations intended to guarantee domestic security, planning and executing the operations provided for in the Domestic Security Act. This statute defines Domestic Security as a law-based state of affairs, in which the population freedom, life and property, their rights and the institutions of the republican and federal system established in the National Constitution are safeguarded.

The following types of operations, which provide for Armed Forces' involvement, are set forth in the law:



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- **Support operations:** consisting in the provision of Armed Forces' services and elements (ordnance, supplies, health, animal health, construction, transport, engineers and communications) when required by the Domestic Security Council Crisis Committee (Article 27) presided over by the Security and Protection to the Community Secretary.
- **Operations intended to preserve the Armed Forces' units or garrisons and to restore order in the military jurisdiction,** as a primary obligation of the military authority, in case of an attack during peace times (Articles 28, 29 and 30).
- **Operations intended to restore Domestic Security when extremely grave situations occur,** where the forces under the Domestic Security System are not sufficient to restore the state of law and order. In these exceptional circumstances, before the National Congress institutes the "state of siege"<sup>1</sup>, the President of the Nation may order the use of Armed Forces' combat elements and all of them, together with Security and Police Forces shall be subordinated to an Operational Commander to be designated therefor (Articles 31 and 32).

However, not even in this case can the Armed Forces undertake police activities since it is definitely established that they shall "act

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<sup>1</sup> The Executive Branch of Government can only declare the "state of siege" by itself when the National Congress is in recess. Subsequently, the legislative body must ratify or suspend such measure as soon as it resumes its activities. Arts 23, 75 --paragraphs, 27, 29 and 31-- and 99 -- paragraphs 12, 16 and 20-- and related articles of the National Constitution.



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according to the provisions of Law No.23,554" of National Defense, that is, as Armed Forces in compliance with military objectives.

Congress participation in the oversight of activities related to Domestic Security maintenance is completed by means of the action of an Domestic Security and Intelligence Agencies and Activities Oversight Committee.

### **3) Armed Forces Involvement in the development of international security and confidence building measures.**

The Armed Forces and the organizations involved in the strategic planning of a national defense system take part in studies carried out with other countries or in multilateral organizations at regional and international levels in order to build new security systems oriented to co-operative action.

Likewise, concrete measures for military co-operation are sought for with all countries in the region and particularly neighboring ones, trying to build confidence and transparency in military relations, in order to prevent any conflicts.

### Transparency in the international context

The United Nations General Assembly approved a



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resolution titled "Transparency in Weapons", under which a Register of Conventional Weapon was created, as it was thought that greater transparency regarding these matters would contribute to foster confidence and security among countries.

Later on, the Regional Conference on Security and Confidence Building Measures, sponsored by the Organization of American States approved by consensus the Declaration of Santiago on Security and Confidence Building Measures.

Every year Argentina submits complete information on defense transactions to the United Nations and OAS conventional weapon registers and sends to the UN the information on the military expenditures that the organization requires for publication. This information exchange is intended to foster confidence and security arising from the transparency represented by the dissemination of such information.

In this context, the Foreign Affairs and Defense Ministers agreed with their Chilean counterparts in Campo de Mayo on June 10, 1998, to request to the Economic Commission for Latin American and the Caribbean (CEPAL) the preparation of a technical study aimed at establishing a methodology that allows streamlining results and achieve accuracy in the information of military expenditures.

This decision materialized in a letter undersigned by the Ministers during the V Meeting of the Permanent Committee for Argentine-Chilean Security, subsequently responded by the CEPAL by sending a budget for



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that project. Finally, Presidents Menem and Frei have recently undersigned a "Joint Presidential Declaration on Security and Confidence Building Measures" (Ushuaia, February 16, 1999) where the progress made in this process is duly recognized.

The importance of the project lies in its contribution to transparency in the issue of defense and military expenditure, not only between countries —as a step towards bilateral and regional trust— but also within each country, to the extent it will contribute to the evaluation of budget execution at the national level.

### Transparency at the national level

All the measures towards transparency accompanied by our country at the international level have a correlation with similar actions regarding the defense policy, which for its significance and continuity, ranks among State Policies.

One of the three fundamental pillars on which defense administration is supported is an adequate relation between the Armed Forces and the democratic system. This issue was addressed within the framework of the State reform, particularly through the reorganization of the Armed Forces, for them to be in an optimum capacity to carry out their functions.

The National Constitution and laws in force guarantee



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the adequate control of the National Government on the military institutions.

The National Defense Act, expressly sets forth that the Armed Forces Chiefs of Staff report to the Ministry of Defense, by delegation of the President of the Nation, Commander in Chief of the Armed Forces, and maintain a functional relation to the Joint Staff, an advisory body reporting to the Minister of Defense.

The privatization process involving companies in the Defense area has been completed to all practical matters and has attained the goal of concentrating the technical capacities and human skills of the Armed Forces in their specific tasks. Like in the privatization processes applied to other publicly-run companies engaged in activities unrelated to the State specific object, the process implemented in the Defense area disabled all potential structural corruption areas.

In this sense, an adequate civil-to-military relation and the redefinition and restructuring of the Armed Forces, have been factors that greatly contributed to transparency in national politics.

#### **4) Community support missions**

The Military cooperates, in civil defense matters, with national, provincial and local organizations for the support to the national community and, if necessary, with countries within the hemisphere, in



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events of natural disaster, epidemic outbreaks, or any other circumstance. In this sense, the Armed Forces are prepared to carry out search and salvage tasks, humanitarian assistance and environment protection, as was the case during the floods that affected extended areas of the Argentine littoral in 1998, or the recent fires in the Patagonian forests.

For the purposes of these functions, the Joint Staff is in charge of the follow-up; assignment of functions to experienced personnel and coordination of the required support actions.

### **5) Other missions assigned by the Government**

The National Government, through competent organizations, may order the military the performance of other tasks, granting it, by means of the required legal instruments, the necessary authorization for such purposes.

These types of missions include:

- **Support to activities in the Antarctic,**
- **Different actions to support social and economic development in different communities all over the country,**
- **Technical support in communications, air space control, coordination and logistics in the fight against drug trafficking**



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and international terrorism.

### **CIVIL COMMAND OF THE DEFENSE SYSTEM**

The Chiefs of Staffs of the Armed Forces –Army, Navy and Air Force—as well as the Armed Forces Joint Staff report to the Ministry of Defense. The Joint Staff advises the Minister of Defense for the drafting of Joint Military Plans. The Chief of the Joint Staff acts as President of the Chiefs of Staff Committee (COMIJEM), advising the Minister of Defense on military strategies and on the joint use of the Services, without prejudice to the actions each Chief of Staff may take in specific issues within their own force.

The Armed Forces, in their capacity for defense and as fundamental members of the National Defense System, act under the direction, order and coordination of the Minister of Defense, who thus exercises the authority delegated onto his area by the President of the Nation, Commander in Chief of the Armed Forces under the provisions of the National Constitution.

By means of Joint Military Planning, the Ministry of Defense defines the composition, dimension and deployment of the Armed Forces. The government and administration of each Force is under the responsibility of its Chief of Staff. These positions are filled by the President's designation, based on proposals submitted by the Minister of Defense.



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Regarding resources, the Ministry of Defense is in charge of the Armed Forces budget and of the coordination and distribution of the pertinent allocations.

Concerning Security Forces, the National Border Guard Service (Gendarmería Nacional) and the Coast Guard Service (Prefectura Naval Argentina), both report to the Ministry of Interior, through the Security Secretary. Although these forces exercise police functions guarding the country boundaries, they can be involved in the Defense System when required.



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### **CONCLUSIONS**

- 1. The Argentine Republic is a country that, from its origins, has adopted democracy as a way of life and as government system. Democratic institutions are in full force and, among them, the Armed Forces and Security and Police Forces have a definite mission and jurisdiction, clearly defined by law and the Constitution.**
- 2. The Armed Forces have accompanied internal, regional and international social change processes by updating military strategic planning and the necessary reorganization of its means and territorial deployment.**
- 3. The Armed Forces comply with their specific mission and other assignments according to directions from the President of the Nation through the Minister of Defense, within the in force legal framework.**



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**THE FIGHT AGAINST CORRUPTION WITHIN ARGENTINE**  
**NATIONAL SECURITY AGENCIES**

Three different spheres of action should be considered:

1. Individual training and education
2. Control of administrative and financial operations
3. Punishment of faults and crimes

**Training and Education**

In our concept, the military career is based on a vocation implying a high degree of ethics.

The military induce a high degree of public confidence, which obliges them to respond to such trust by basing their behavior on a very strict ethical code.

We are also convinced that corruption breeds in the heart of man, which is the source of uncontrolled desire for material wealth, falsity, frivolity, deceit and the weakness to resist the temptations of corruption.

But the possibility of restoring honesty to human relations



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and establishing individual and social equilibrium is also within our heart.

This is the reason why we value and place priority upon the training and education of our soldiers as the means to develop good operating habits which, exercised once and again in daily life, especially during the stage of their military training, will develop a sword and a shield of human virtues which are of crucial importance:

**Strength**, which renews the soul's energy when faced with internal or external obstacles and which allows to practice virtue in one's own environment and actions: **sincerity**, as love of truth; **loyalty**, which consists in a truthful behavior and in upholding one's word, commitments and covenants; **sobriety and modesty** that lead to cherish austerity, avoid ostentation, and endure unsatisfied wants and needs; **temperance**, which subjects the body's demands to the order established by the spirit; **honesty, firmness, and an exemplary conduct** are all virtues present in the training of our military, included in all the curricula of our training institutes and developed in subjects such as philosophy, ethics, religious education, etc.

At the same time, the future military are educated in the strict obedience of civil laws as the basis for human coexistence. Public Constitutional Law, Public International Law and International Law on Armed Conflicts (International Humanitarian Law) are also part of the curricula developed in education and advanced training institutes.

In this sense, our experience has been very positive. The fact of



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investing in training and education has made corruption cases within the Armed Forces exceptional, isolated, individual and easily detectable and punishable.

### Control of administrative and financial operations

Argentine laws establish strict and detailed control systems for the administration of financial resources by all Government agencies and civil servants.

This includes the Armed Forces, whose members undertake increasing administrative and financial responsibilities as they are promoted to higher ranks.

This seminar is not the right time or place to embark on a detailed technical explanation of this management control system which, on the other hand, is probably very similar to those applied in many other countries of the world.

**Anecdote:** Last year, an officer of the General Comptroller's Office (the Ministry of Economy's administrative-financial management oversight office) who took her supervision duties very seriously visited a military unit for the purpose of following up the purchasing process applied by such unit from the time when the requirement for the items was determined through the whole bidding, reception and quality control process and the verification of the use given to the items purchased, to supplier



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payments.

The controlled item was randomly selected and turned out to be the purchase of sewer pipes. The officer performed the pertinent documentation controls, verifying that everything was in order, after which she said: "Now I want to see where the pipe was installed." It was explained to her that the pipe was installed in a cesspool pipeline, which obviously was laid several meters under ground in a place that was not very recommendable for a lady to visit. She said, "Let's go". She was taken to the place, the cover was removed, and she went down to the place where the pipe had been installed and confirmed that the pipe was indeed new and that there was evidence that it had been recently put in place.

With this story I want to show that the system exists, that it is operating and that we soldiers, who have the clear priority of preparing our organizations for war, must dedicate time and effort to account of the resources entrusted to us by the State, when it would be more convenient to spend such time and effort on our specific mission.

But in addition to these controls exercised by the National State over the Armed Forces, there are internal administrative measures which provide transparency to the financial management performed by military commanders, whatever their rank. Some of them are:

- **Rotation:** Rotation is periodic; a person rarely occupies a position for more than two or three years. Rotation is also mandatory and



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systematic, both for Commanders and for technical officers performing accounting functions.

- **Internal inspections of administrative and financial services:** Such inspections are performed on a yearly basis and are exercised especially with regard to all administrative and financial services at all command levels.
- **Sworn statement on financial condition:** This is mandatory for all commanders having responsibility for the administration of financial resources and must be submitted when taking over and leaving a position.
- **Senate's agreement to the promotion of Senior Officers:** Such agreement takes place after an examination of the candidates' personal and professional record, including the outcome of their previous functions.

### **Punishment of faults and offenses committed by military personnel**

All military personnel are governed by the Military Code of Justice, which is a national law.

In addition to defining the faults and offenses pertaining to military activity both in wartime and in peacetime, the Code establishes severe sanctions and penalties for military personnel for offenses related to



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resource administration, such as the following:

**Bribery (Section 834):** The military who, in the exercise of administrative functions, makes gifts or accepts promises for an act to be executed or omitted will be punished with imprisonment from two to five years.

**Military Fraud (Section 843):** The military who, by reason of his employment, holds in his possession money, securities or any State property and misappropriates it in order to use it for his own or another person's benefit (this includes favoring suppliers against the reception of gifts, presents or promises; commits frauds; carries out personal financial operations with funds belonging to the military administration; has private interests in the outcome of bidding processes, etc.), will be punished with imprisonment for up to ten years.

These cases and others such as "embezzlement", "fraudulent administration", etc., are examples of the penalties applied to military personnel for administrative and financial offenses. It must be pointed out that such penalties are much more severe than those provided for in national laws for similar offenses in the civil and commercial spheres.

In addition, the Armed Forces consider that certain types of offenses or faults in the administration of financial resources affect the military honor of the individuals involved, whereby they are brought to trial before **Courts of Honor**. Such courts are permanently constituted; their members are Senior Officers with recognized professional records and indisputable moral authority. They are empowered to judge the acts of

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their comrades when the honor of their behavior is in question and to punish faults against military honor with penalties that remain in the individual's record as a stigma.



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**SOME ARMED FORCES DO NOT WISH TO GET INVOLVED IN  
THE STRUGGLE AGAINST DRUG TRAFFICKING BECAUSE  
THEY FEAR THE CONTAMINATION OF CORRUPTION. WHAT IS  
YOUR OPINION?**

In the case of the Argentine Armed Forces, the reasons why they do not directly participate in the fight against drug trafficking are the following:

- Illegal Drug Trafficking (IDT) is not, in principle, a military problem.
- In order for IDT to be considered a military problem, it should escalate to a level of strategic threat such as to challenge the sovereign exercise of political power by the Government, or generate a conflict with other countries. Today, in Argentina, it remains mainly an urban problem.
- IDT may exhibit different levels of intensity, from threatening the health of society to affecting the normal development of political functions and finally jeopardizing the very existence of the State. Argentina finds itself in the first situation.

By this, we are not saying that the Armed Forces, as a pillar of National Defense, should remain indifferent to the search for solutions, especially if the phenomenon worsens. As already said, the Armed Forces lend technical support in the communications, air space control, coordination and logistics areas to the security



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services in the fight against drug traffic and international terrorism.

Also, in line with the conclusions reached by several international forums dedicated to the integral security of the States – such as the Meetings of Defense Ministers of the Americas – Argentine authorities recognize that inter-agency cooperation and coordination is an essential instrument to win the battle against this scourge. For this reason, the analysis and follow-up of this type of threats are included in the national strategic agenda, where the Ministry of Defense participates with the advice of the pertinent military instances within their respective spheres of competence.

With respect to the eventual "contamination" of the Armed Forces if they are required to participate in the fight against IDT, we trust that the preventive, control and punitive measures established (see response to the previous question) would be efficient tools to ensure that all operations remain within legal bounds.



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**IN YOUR OPINION, WHAT MEASURES SHOULD BE ADOPTED  
TO COMBAT CORRUPTION IN CONTAMINATED NATIONAL  
SECURITY SERVICES?**

The Armed Forces of a nation are the basic pillar of its National Defense. As such, they induce a high degree of public trust.

Contaminated Armed Forces would betray this trust and would pave the way for corruption to threaten the existence of the State itself.

Therefore, if corruption has become generalized or institutionalized within the Armed Forces of a country, measures should be taken by the highest political level of the country involved and would require a depth which, in my understanding, is not the objective of this conference.

If the contamination is partial, focused within certain specific and well-identified areas of the Armed Forces, and is detectable by the senior authorities of such institutions, preventive, management control and punitive measures such as those described above could be applied with different degrees of intensity.

In this sense, I consider that the effectiveness of the measures to be adopted should be in inverse order with respect to the above enumeration: punitive measures act as an example and control the phenomenon immediately; management control actions have a medium-term effect, especially if control mechanisms have not been

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developed, and training and education are a long-term investment which shows its effects in a more or less distant future.